

**METROPOLITAN GOVERNMENT CHARTER COMMISSION
ETHICS TASK FORCE RECOMMENDED CODE OF ETHICS
APRIL 7, 2010**

BACKGROUND:

The Ethics Task Force reviewed the county and city charter provisions, as well as the Ethics Ordinances of Germantown, and Coral Springs, Florida which won the Malcolm Baldrige Quality Award as the first city of the United States. We considered the Ethics Code and Ordinance of the benchmark City of Jacksonville, and the City and County of Denver Code of Ethics and reviewed the 2009 Annual Report from the Denver Board of Ethics dated February 15, 2010 in preparing our own recommended Code of Ethics.

We have learned from all our resources and while we could have included what some are doing such as evaluating ethics as part of each employee's annual performance evaluation which Denver imposed in 2005 to emphasize that commitment to Ethics is a core value, we elected to allow the new government to develop its core values and address such specifics in the Code of Ethics ordinance which is required. We wish to remind the Commission that the Charter adopts the Code, but the Code provides for the Code of Ethics ordinance to be a first act of the Metro Council. The Code also directs the establishment and operation of the Ethics Commission whose duty it will be to effectively provide ethics training, and enforcement. This Code is to set the tone for the new government to ensure the public will have confidence that persons in positions of public responsibility are acting for the benefit of the public.

I wish to thank Judge John Fowlkes, Reverend Ralph White, Professor Steven Wirls, Chris Patterson, Julie Ellis, Danny Presley and Jack Payne for their dedication to this effort and especially Donna Velez for taking the minutes and participating in our Task Force.

As Chairman, I, Commissioner Randolph Meade Walker, recommend the following be adopted by the Commission and directed to the writing committee.

CODE OF ETHICS

Chapter 1) STATEMENT OF INTENT

In order to provide the citizens of Memphis and Shelby County a Metropolitan Government that demands integrity, demonstrates excellence and professionalism, provides quality representation,

and acts transparently in all dealings, all duly elected and appointed citizens and employees shall be bound by the Code of Ethics established by this provision.

Chapter 2) ETHICS CODE

The Metro Government Council shall, as one of its initial acts, enact the Code of Ethics ordinance which incorporates the process for ensuring the requirements set forth in this Article are adopted and enforced. The Code of Ethics shall apply to every person involved, directly and indirectly, in the work of the Metro Government, including but not restricted to: any and all employees, whether elected, appointed, or otherwise hired; all unpaid personnel who have been elected or appointed to a position; any and all persons employed by or representing entities which receive payments, grants or privileges from Metro Government.

By acceptance of the position, employment or funding, such persons acknowledge that violation of any of the provisions of the Code of Ethics may constitute grounds for suspension or removal from office or employment and terminate funding.

Because all positions related to Metro Government are by definition positions of public trust and service, requiring a commitment to honor and integrity in all public relationships and to good citizenship in all personal behavior, all persons involved, directly and indirectly, in the work of Metro Government shall:

1. Observe the letter and spirit of the Charter of Metro Government and all applicable laws, rules and regulations; and
2. Conducting themselves in a manner which maintains and promotes public confidence in Metro Government; and
4. Be honest, fair, and respectful, friendly, and courteous in all dealings with the public and by avoiding any appearance of impropriety; and
5. Never use public service to provide a personal benefit of any kind to oneself, a family member, client, or business partner or acquaintance; and
6. Disclose all personal relationships of any nature and in any instance where there could be a conflict of interest or even an appearance of one; and
7. Never invest or hold any investment, directly or indirectly, in any financial business, commercial or private transaction that creates a conflict with one's official duties or employment and

never become, connected with or interested in, directly or indirectly, any contract with the Metro Government.

8. Never directly or indirectly solicit, accept or receive any gift of any kind or form if it could be inferred or expected that the gift was intended to influence performance of duties or was intended as an inducement from an improper action or as a reward not otherwise permitted under Tennessee law; and

9. Never improperly direct or attempt to influence other elected or appointed officials, employees, or entities that receive public funding in performing their duties; and

10. Never use the provisions of the Code of Ethics to further frivolous claims against any other person.

Chapter 3) ETHICS COMMISSION; ETHICS OFFICER

The Code of Ethics ordinance shall provide for an Ethics Commission which may assist or coordinate the training and education of public officials and employees in ethics; refer matters to appropriate enforcement agencies; and who enforcement power is limited to the Code of Ethics ordinance and this Charter. The Code of Ethics ordinance shall provide for an Ethics Officer who shall provide legal advice and direction to the Commission on matters contained in this Article and the Code of Ethics ordinance. The Ethics Officer shall have the duties and authority granted such position in the Code of Ethics ordinance.

Chapter 4) ACKNOWLEDGEMENT and TRAINING

Every public official and employee shall undergo ethics training as defined in the Code of Ethics ordinance and shall acknowledge that they have received, read, understand and agree to be bound by the Code of Ethics.

Chapter 5) TRANSITION

During the interim period between the effective date of this Charter and the adoption and implementation of the Ethics Ordinance, which shall be required within the first ninety (90) days of the Council being sworn into office, all public officials and employees shall be subject to the ethical standards as prescribed by the State of Tennessee as referenced in Tenn. Code Ann. Section 8-17-101 et. seq.